

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 1:20-00066

JEFFREY M. REED

MEMORANDUM OPINION AND ORDER

Pending before the court is the United States' unopposed motion to reschedule or continue trial in this matter. (ECF No. 64.) For the reasons that follow, the motion is granted.

The government requests that the start of the trial be advanced or continued because trial counsel will be out of the country on July 28, 2021, when the trial is currently scheduled to begin. Defendant does not object, so long as trial remains scheduled for Bluefield.

The government states that the reason for its request is not lack of diligence or docket congestion. It further states that the complexity of the case favors allowing its current lead counsel to serve in that role at trial. It further states that defendant is on bond and will face no hardship.

For good cause shown, the motion is **GRANTED**. Trial in this case is rescheduled for **August 24, 2021**, at 9:30 a.m. in Bluefield. Jury instructions and proposed voir dire are to be filed by **August 17, 2021**.

Furthermore, the court finds that the ends of justice outweigh the interest of defendant and the public in a speedy trial. See 18 U.S.C. § 3161(h)(7)(A). Given defendant's lack of objection to a short continuance and the complexity of the case, it would be unreasonable to deny a continuance and require substitute lead counsel for the government to prepare for trial in less than two months. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time from the filing of the motion until the trial is excludable for purposes of the Speedy Trial Act.

The court also notes that under General Order #11, "the time period between May 3, 2021 and August 31, 2021 will be excluded under the Speedy Trial Act, as the Court specifically finds for the reasons outlined herein that the ends of justice served by excluding this time period outweigh the best interests of the public and each defendant in a speedy trial, pursuant to 18 U.S.C. § 3161(h)(7)(A)." In Re: Court Operations Under the Exigent Circumstances Created by the COVID-19 Pandemic, No. 2:20-mc-00052 (ECF No. 16, at 7) (S.D.W. Va. March 15, 2021) (Johnston, C.J.).

The Clerk is directed to send a copy of this Memorandum Opinion and Order to all counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

IT IS SO ORDERED this 8th day of June, 2021.

ENTER :

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge